

July 17, 1933.

Mr. Wallace Case,
Emery, Utah.

RE: MUDDY CREEK:

Dear Sir:

As a result of a petition filed with the Court in the Seventh Judicial District and correspondence with Judge Christensen and others I have decided to appoint you water commissioner on the Muddy Creek for the present season.

In making this appointment I wish it definitely understood that you become an officer of the State acting under my directions and that the distribution of the water must be made impartially and not in accordance with the ideas and wishes of the Emery Canal and Reservoir Co. even though you may continue to act as their water master.

At my request the engineer of the Independent Canal Co. has made an examination of general conditions on the Muddy and furnished me with a report thereon. This report indicates that there is an understanding between the Emery Company and the Independent Company with reference to the handling of reservoir water. I am also advised that about sixty percent of the land under the Emery Canal is in grain and that much of this has had its last irrigation.

It is my rule not to attempt detailed instructions for distribution from this office but you are definitely ordered to give careful consideration in the amount of water turned to the Emery Company of the actual need for beneficial use and be guided by this rather than the Court Decree giving that company fifteen-sixteenths of

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the water. In other words, the limit of the right is beneficial use and the limit so determined is superior to a proportionate figure set out in a decree.

I enclose your official appointment and ask you to advise me at once what you consider a fair total compensation for your services this season so that I may at once send out the necessary assessment notices.

Yours very truly,

GMB/O
Enc.

State Engineer.